

ASSIGNMENT

FOR GOOD AND VALUABLE CONSIDERATION, the receipt, sufficiency and adequacy of which are hereby acknowledged, the undersigned, do hereby:

SELL, ASSIGN AND TRANSFER to INTROGEN THERAPEUTICS, INC. (the "Assignee"), having a place of business at 301 Congress Avenue, Suite 2025, Austin, Texas 78701, the entire right, title and interest for the United States and all foreign countries in and to any and all improvements which are disclosed in the application for United States Letters Patent, Serial No. 09/203,078 which has been filed on December 1, 1998 and is entitled "AN IMPROVED METHOD FOR THE PRODUCTION AND PURIFICATION OF ADENOVIRAL VECTORS", such application and all divisional, continuing, substitute, renewal, reissue and all other applications for patent which have been or shall be filed in the United States and all foreign countries on any of such improvements; all original and reissued patents which have been or shall be issued in the United States and all foreign countries on such improvements; and specifically including the right to file foreign applications under the provisions of any convention or treaty and claim priority based on such application in the United States;

AUTHORIZE AND REQUEST the issuing authority to issue any and all United States and foreign patents granted on such improvements to the Assignee;

WARRANT AND COVENANT that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been or will be made to others by the undersigned, and that the full right to convey the same as herein expressed is possessed by the undersigned;

COVENANT, when requested and at the expense of the Assignee, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all such improvements; execute all rightful oaths, declarations, assignments, powers of attorney and other papers; communicate to the Assignee all facts known to the undersigned relating to such improvements and the history thereof; and generally do everything possible which the Assignee shall consider desirable for vesting title to such improvements in the Assignee, and for securing, maintaining and enforcing proper patent protection for such improvements;

TO BE BINDING on the heirs, assigns, representatives and successors of the undersigned and extend to the successors, assigns and nominees of the Assignee.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name: Toohyon Cho

STATE OF TEXAS                    )  
  ) ss.  
COUNTY OF \_\_\_\_\_ )

BEFORE ME, the undersigned authority, on this \_\_\_\_ day of \_\_\_\_\_, 2000, personally appeared Toohyon Cho, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.

\_\_\_\_\_  
Notary or Consular Officer

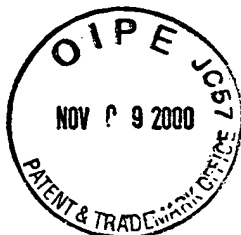
[SEAL]

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
Shuyuan Zhang  
Capucine Thwin  
Zheng Wu  
Toohyon Cho  
Shawn Gallagher



Group Art Unit: 1623

Examiner: Unknown

Atty. Dkt. No.: INRP:081/HYL

Serial No.: 09/203,078

Filed: December 1, 1998

For: AN IMPROVED METHOD FOR THE  
PRODUCTION AND PURIFICATION OF  
ADENOVIRAL VECTORS

**RECEIVED**

**NOV 13 2000**

**OFFICE OF PETITIONS**

**CERTIFICATE OF MAILING**  
37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231, on the date below:

11/6/00  
Date

Steven L. Highlander

**DECLARATION OF STEVEN L. HIGHLANDER**  
**UNDER 37 C.F.R. § 1.47**

Box DAC  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I, Steven L. Highlander, declare that:

1. I am a U.S. citizen, residing at 6604 Cypress Point North, Austin, Texas. I am a partner with the law firm of Fulbright & Jaworski in Austin, Texas.

2. Dr. Toohyon Cho is a former employee of Introgen Therapeutics, Inc., the entity which owns all intellectual property rights of the present invention. Dr. Cho is a co-inventor of the above-referenced patent application and owes a duty of assignment by virtue of his employment agreement at Introgen.

3. In the filing of a previous patent application, U.S. Serial No. 08/975,519, of which the present application is continuation-in-part, Dr. Cho was informed of Inventors' Oath and Declaration papers that required his signature. Dr. Cho was forwarded a complete copy of the application papers, including the specification, claims, abstract, drawings, Oath and Declaration, via Federal Express to his last known address: 874 Yorkchester, #102, Houston, Texas 77079. I personally contacted Dr. Cho by telephone and Dr. Cho indicated his unwillingness to sign the Oath and Declaration papers which were sent to him with the patent application. Dr. Cho was contacted a second time by telephone and he again refused to sign the inventors' Oath and Declaration.

4. We believe Dr. Cho's country of citizenship to be Korea.

5. In the normal course of business, on March 31, 1999, Onita Cheyne, a patent paralegal of our firm, forwarded a complete copy of the present application, including the specification, claims, abstract, drawings, along with an Oath and Declaration, to Dr. Cho via Federal Express to his last known address: 874 Yorkchester, #102, Houston, Texas 77079. On April 2, 1999, Onita Cheyne received a telephone call from Federal Express stating that Dr. Cho could not be reached at his last known address. The enclosed documents were returned via

Federal Express on April 2, 1999, as undeliverable (see earlier submitted Declaration of Onita Cheyne).

6. As discussed with Examiner Wood, I performed an internet search and obtained the following address and phone number of Dr. Toohyon Cho, 970 Bunker Hill Rd., Houston TX 77024-1341, Phone number: 713-932-9580. A phone call was placed to this number on September, 14, 2000. A lady answered confirming this was indeed the residence of Dr. Cho, who had worked for Introgen. On September 15, 2000, we sent another copy of the declaration and assignment to Dr. Cho via certified mail at the address above and a letter requesting that he sign and return the documents to us within ten days. As of this date, we have not received the executed declaration and assignments from Dr. Toohyon Cho in response to this letter either. Enclosed are copies of the documents sent to Dr. Cho.

7. I hereby declare that all statements made herein of my knowledge are true and that all statements made herein on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the U.S. Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

11/6/00  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
Steven L. Highlander



PATENT  
INRP:081

DECLARATION

RECEIVED

NOV 13 2000

As a below named inventor, I hereby declare that:

OFFICE OF PETITIONS

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or the below named inventors are the original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **AN IMPROVED METHOD FOR THE PRODUCTION AND PURIFICATION OF ADENOVIRAL VECTORS**, the Specification of which:

- ☐ is attached hereto.  
☒ was filed on **December 1, 1998** as Application Serial No. **09/203,078**.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent, United States provisional application(s), or inventor's certificate listed below and have also identified below any foreign application for patent, United States provisional application, or inventor's certificate having a filing date before that of the application on which priority is claimed:

PRIORITY APPLICATION(S)			Priority Claimed
60/031,329	USA	November 20, 1996	Yes
(Number)	(Country)	(Date Filed)	Yes/No

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56, which become available between the filing date of the prior application and the national or PCT international filing date of this application:

08/975,519

November 20, 1997

Pending

(Application Serial No.)

(Filing Date)

(Status)

I hereby direct that all correspondence and telephone calls be addressed to David L. Parker, Fulbright & Jaworski L.L.P., 600 Congress Avenue, Suite 2400, Austin, Texas 78701 (512) 418-3000.

I HEREBY DECLARE THAT ALL STATEMENTS MADE OF MY OWN KNOWLEDGE ARE TRUE AND THAT ALL STATEMENTS MADE ON INFORMATION AND BELIEF ARE BELIEVED TO BE TRUE; AND FURTHER THAT THESE STATEMENTS WERE MADE WITH THE KNOWLEDGE THAT WILLFUL FALSE STATEMENTS AND THE LIKE SO MADE ARE PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH, UNDER SECTION 1001 OF TITLE 18 OF THE UNITED STATES CODE AND THAT SUCH WILLFUL FALSE STATEMENTS MAY JEOPARDIZE THE VALIDITY OF THE APPLICATION OR ANY PATENT ISSUED THEREON.

Inventor's Full Name:	Shuyuan		Zhang
Inventor's Signature:			
Country of Citizenship:	China	Date:	
Residence Address: (street, number, city, state, and/or country)	3027 Orchard Gate Sugar Land, Texas 77479		
Post Office Address: (if different from above)			

Inventor's Full Name:	Capucine		Thwin
Inventor's Signature:			
Country of Citizenship:	USA	Date:	
Residence Address: (street, number, city, state, and/or country)	9018 Herts Road Spring, Texas 77379		
Post Office Address: (if different from above)			

Inventor's Full Name:	Zheng		Wu
Inventor's Signature:			
Country of Citizenship:	People's Republic of China	Date:	
Residence Address: (street, number, city, state, and/or country)	2930 Cotton Stock Drive Sugar Land, Texas 77479		
Post Office Address: (if different from above)			

Inventor's Full Name:	Toohyon		Cho
Inventor's Signature:			
Country of Citizenship:	China	Date:	
Residence Address: (street, number, city, state, and/or country)	970 Bunker Hill Road Houston, Texas 77024-1341		
Post Office Address: (if different from above)			

Inventor's Full Name:	Shawn		Gallagher
Inventor's Signature:			
Country of Citizenship:	USA	Date:	
Residence Address: (street, number, city, state, and/or country)	1730 Shoreline Drive Missouri City, Texas 77459		
Post Office Address: (if different from above)			